

Application No. 10/601,927
Amendment dated July 19, 2006
Reply to Office Action of April 13, 2006

REMARKS

Claims 1-3, 5-13, and 15-23 are pending. Claim 24 is added herein. Accordingly, claims 1-3, 5-13, and 15-24 are at issue.

Claim 21 stands rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement.

The rejection is respectfully traversed. It is asserted that the subject matter of claim 21, i.e. "a third end of the at least one direction control member spaced a distance greater than the first and second ends from the retainer" is not described in the specification. However, referencing page 11, line 22—page 12, line 3, there the airbag 221 is described as including tethers 227 that not only connect opposing portions of the airbag but also the upper portion of the airbag. As can be seen best in FIG. 11, this includes a tether that extends upwardly and has its end spaced at a greater distance from the retainer than either of the ends of the tether connected to the opposing portions of the airbag.

The drawings are objected to under 37 CFR §1.83(a) as failing to illustrate the subject matter of claim 21.

The rejection is respectfully traversed. As described above, FIG. 11 illustrates the claimed third end of the at least one direction control member spaced a distance greater than the first and second ends from the retainer.

Claims 1-3, 5-13, and 15-23 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,007,090 to Hosono, et al. in view of U.S. Patent No. 5,310,214 to Cuevas.

The rejection, as it may apply to the claims presented herein, is respectfully traversed.

Claim 1 is directed to an airbag apparatus including a retainer and an airbag for being deployed in a primary upward, vertical direction. As amended, claim 1 recites that the inflated airbag has an uppermost end portion spaced upwardly from

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the retainer. The inflation control device is spaced upwardly from the retainer and is connected to the airbag at at least two positions that are spaced from each other generally along the fore and aft direction. Claim 1, as amended, further requires that the two positions be at an approximately equal distance from the retainer closer to the airbag upper end portion than to the retainer with the airbag deployed and inflated. None of the relied upon art suggests the inflation control device having connection positions as set forth in amended claim 1.

More particularly, Hosono, et al. disclose an airbag for a motorcycle. However, as acknowledged in the Action, Hosono, et al. do not disclose the claimed inflation control device of claim 1. Rather, Cuevas is relied upon for the teaching of tether straps 86 that are spaced upwardly from the inflator housing 42. However, as can be seen in FIG. 1, the tether straps 86 are connected to the airbag at positions that are much closer to the housing 42 than to the uppermost end portion of the airbag 18. This is the opposite arrangement of the inflation control device recited in amended claim 1, namely having the two positions at which the inflation control device is connected to the airbag be closer to the upper end portion of the airbag than to the retainer. The location of the tether straps, and their connections to the airbag closer to the housing is important for Cuevas as they form the configuration of the inflated airbag such that there is a much larger, convex upper portion 88 for engaging an adult, with a smaller, convex lower portion 90 for engaging a child (see column 3, lines 29-37). Accordingly, it is believed that claim 1 and claims 2, 3, 5-12, and 24 which depend cognately therefrom, are allowable over the relied upon art.

Added claim 24 depends from claim 1 and states the airbag has only a single chamber to be inflated to further distinguish over the dual chamber airbag taught by Cuevas. For this additional reason, claim 24 is believed to be allowable over the relied upon art.

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Claim 13 is directed to an airbag apparatus including a retainer and an airbag. As amended, claim 13 calls for the direction control member to be arranged in the airbag to optimize airbag inflation in a primary inflation direction. There are an plurality of connections between the control member and the airbag that are at predetermined positions on the airbag and spaced from the retainer upon airbag inflation. The connections include connections that are at a rear portion of the airbag adjacent and facing the rider and a front portion of the airbag spaced forwardly therefrom and facing away from the rider. Claim 13, as amended, requires that the front and rear connection be spaced from the retainer such that an area between the control member and the retainer is larger than an area between the control member and an end portion of the airbag distal from the retainer in the primary inflation direction. The relied upon art fails to disclose or suggest the recited locations of the front and rear connections of the control member relative to the retainer and the distal end portion of the airbag, as called for in amended claim 13.

More particularly, referencing FIG. 1 of Cuevas, it can be seen that the spacing of the corresponding front and rear connections of the tether strips 86 relative to the housing 42 and the end portion of the airbag 18 distal from the housing is such that the area between the tether straps 86 and the housing 42 is much smaller than that between the tether straps and the distal end portion of the airbag. This is exactly the reverse of the sizing of the airbag relative to the control member connections recited in amended claim 13. Instead of having the area between the tether straps 86 and the distal end portion of the airbag 18 be smaller than the area between the tether straps 86 and the housing 42 as required in amended claim 13, Cuevas has the tether straps 86 connected to the airbag so that the spacing between the straps and the corresponding distal end portion of the airbag is much larger so as to form the convex upper portion 88 for engaging an adult verses the much smaller area between the tether strap 36 and the housing 42 for forming the smaller, convex lower

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portion 90 for being engaged by a child. Accordingly, it is believed claim 13, and claims 15-18 and 23 which depend cognately therefrom, are allowable over the relied upon art.

Claim 19 is directed to a method for manufacturing an airbag apparatus for a motorcycle and calls for providing an airbag and a retainer. Claim 19, as amended, calls for the airbag to be inflatable in a direction generally away from the retainer toward a distal end portion of the airbag. Claim 19 further recites connecting a first end of at least one direction control member to the airbag and connecting a second end of the at least one direction control member to the airbag. As amended, claim 19 requires that the first end and the second end be connected to the airbag such that the respective ends are closer to the airbag distal end portion than to the retainer. None of the relied upon art discloses or suggests the method of amended claim 19.

More particularly, Cuevas does not teach connecting a first end of a direction control member to an airbag and a second end of the direction control member to the airbag such that the first and second ends are closer to the airbag distal end portion than to the retainer. As explained with respect to FIG. 1, Cuevas teaches the opposite arrangement whereby Cuevas connects the corresponding ends of the tether straps such that they are closer to the housing 42 than to the distal end portion of the airbag. Cuevas does this to form the airbag 18 to a desired configuration for properly engaging the small child and an adult, as previously discussed. Accordingly, it is believed claim 19, and claims 20-22 which depend cognately therefrom, are allowable over the relied upon art.

Based on the foregoing, reconsideration and allowance of claims 1-3, 5-13, and 15-23, and consideration and allowance of claim 24, are respectfully requested.

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Respectfully submitted,

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